

GARFIELD COUNTY, UTAH

ORDINANCE NO. 2019-3

AN ORDINANCE AMENDING CHAPTER 8 OF THE GARFIELD COUNTY, UTAH ZONING ORDINANCE.

WHEREAS, The Board of County Commissioners of Garfield County, Utah deem it necessary to amend Chapter 8 of the Garfield County Zoning Ordinance in the interest of the health, safety and welfare of the citizens of Garfield County, Utah. Any previously enacted ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed, but only to the extent that they are inconsistent with this ordinance. The repealer shall not, however, be construed to revive any ordinance heretofore repealed.

Be it ordained by the Board of Commissioners of Garfield County, Utah as follows:

Chapter 8. CONDITIONAL USES

8-1 Purpose.

To provide for the regulation of uses and their compatible integration in the zoning districts of Garfield County, Utah.

8-2 Conditional Use Permit.

An approved conditional use permit shall be required for each conditional use listed in this Ordinance. No building permit or other permit or license shall be issued for a conditional use by any officer or employee unless a conditional use permit has been recommended by the Garfield County Planning Commission and approved by the Garfield County Commission.

1. **Application:** Application for a conditional use permit shall be made at the office of the Garfield County Planning Commission on forms provided for that purpose.
2. **Development Plan:** The applicant shall prepare a site plan of the proposed buildings, fences, landscaping, parking and loading areas, other uses, and any information the Planning Commission may deem necessary.
3. **Fees:** The application or renewal for any conditional permit shall be accompanied by the appropriate fee, as determined by Garfield County Planning and Zoning Fee Ordinance.
4. **Hearing:** A public hearing need not be held; however, hearings may be held when the Planning Commission or County Commission deem it necessary or desirable to serve the public interest. Impacted property owners shall be advised through appropriate advertising or direct contact.
5. **Planning Commission Action:** The Planning Commission may recommend, modify or deny the conditional use application. In recommending any conditional use permit, the Planning Commission shall impose such regulations and conditions as are necessary to protect the public welfare. Conditional use applications recommended by the Planning Commission shall be heard by the Garfield County Commission for approval, rejection or modification within sixty (60) days of recommendation.

6. County Commission Action:

In approving a conditional use, the County Commission shall determine if the proposed use:

- a. Is necessary or desirable and will contribute to the general well-being of the community.
- b. Will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to the property or improvements in the vicinity.
- c. Is in harmony with the intent of the County's General Plan and the zoning district in which it is located.

The County Commission shall approve, modify or deny recommended conditional use applications within forty-five (45) days of public review.

7. **Appeals:** Appeal of Planning Commission decisions shall be to the Board of County Commissioners. Appeal shall be in writing and shall be filed at the office of the Board of County Commissioners not more than thirty (30) days after the decision by the Planning Commission. The Board of County Commissioners may affirm, modify, or reverse the decision of the Planning Commission. Appeal review by the Board of County Commissioners shall be recorded in an open public meeting. County Commission decisions will be final.
8. **Inspection:** The Building Official shall inspect applicable conditional uses during the course of construction to ensure compliance with the conditions of the permit.
9. **Time Limit:** Conditional use permits that are not permanent shall be valid until December 31st of a) the year issued or b) the year designated by the Commissions. Conditional use permits may be renewed for periods designated by the Planning or Garfield County Commissions unless a) the conditional use is no longer in the public interest, b) stipulations have been violated, or c) substantial work has not been accomplished toward its completion. Conditional use permits shall be renewed in accordance with 8-2-12 of this Ordinance. Renewals shall be completed prior to February 1st.
10. **Temporary Construction Camp:** A conditional use permit for a temporary construction camp may be issued for a time limit not exceeding the period of construction, plus six (6) months. In addition to the development plan submitted in accordance with 8-2-2 of this Ordinance, the applicant shall also submit plans for the water supply and sewage systems and shall obtain the approval of the Board of Health and Building Official.
11. **Revocation:**
 - a. A conditional use permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit or failure to comply with renewal requirements.
 - b. Conditional use permits shall be suspended upon failure to renew any associated business licenses. Upon suspension, the Garfield County Planning Commission shall determine if the conditional use permit is to be renewed or revoked.
 - c. The Planning Commission may initiate revocation proceedings when evidence indicates the conditional use permit is no longer in the public interest, or when directed by the Garfield County Commission. Conditional use permit holders and impacted land owners shall be granted the opportunity of a public hearing prior to any revocation.

12. **Renewal:** As directed by the Garfield County Planning Commission and Garfield County Commission, conditional uses shall be classified as:
- a. Permanent without need of renewal;
 - i. e.g. home-based businesses, churches, communication towers, or other permanent uses, unless conditions of the permits are found to be in violation.
 - b. Renewable on an annual basis;
 - i. e.g. short-term rentals, temporary businesses, construction camps, temporary living quarters during construction, and other short-term uses.
 - c. Renewable on regular basis as determined by the Commissions.
 - i. e.g. gravel pits, mines, group homes, recreational facilities, etc.
 - d. The examples in subparagraphs a - c above are for illustrative purposes only. Renewal classifications will be assigned by the Planning Commission and County Commission after examining site specific conditions and evaluating public interest.

ADOPTION

Passed and adopted by the Board of County Commissioners of Garfield County, Utah, this 22nd day of April, 2019.



Garfield County Commission, Chair
Leland F. Pollock

ATTEST:



Garfield County Auditor/Clerk
Camille A. Moore

County Seal

